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**DATE:** September 28, 2006

**TO:** U.S. Patent and Trademark Office  
ATTN: Examiner Stephen Kapushoc

**FAX NO.:** (571) 273-8300

**FROM:** Arles A. Taylor, Jr. (omb)

**RE:** Serial No. 10/806,899; Atty. Docket No. 1386/19

NUMBER OF PAGES TO FOLLOW: 6

If transmission is poor, or if you do not receive all pages, please  
call (919) 493-8000 as soon as possible.

**COMMENTS:****Attachments:**

1. Transmittal Letter (1 page); and
2. A Response to Restriction/Election Requirement (5 pages).

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patent attorneys

September 28, 2006

I hereby certify that this correspondence is being transmitted via  
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Alexandria, VA 22313-1450 on September 28, 2006

*Oksana Buynitsky*  
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Date of Signature

*September 28, 2006*

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/806,899 for  
A DIAGNOSTIC METHOD FOR EPILEPSY  
Our File No. 1386/19

Sir:

Please find enclosed in connection with the subject U.S. patent application the  
following documents:

1. A Response to Restriction/Election Requirement (5 pages).

The Commissioner is hereby authorized to charge any fees associated with the  
filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR &amp; HUNT, P.A.

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Enclosures

SEP. 28. 2006 4:34PM

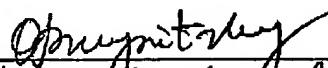
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Oksana Buynitzky  
Date of Signature September 28, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Petrou et al.

Group Art Unit: 1634

**Serial No.: 10/806,899**

Examiner: Kapushoc, Stephen Thomas

Filed: March 23, 2004

Docket No.: 1386/19

Confirmation No.: 2461

For: A DIAGNOSTIC METHOD FOR EPILEPSY

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**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Restriction/Election Requirement dated August 28, 2006, having a 1-month term for Response that expires on September 28, 2006. Favorable consideration is respectfully requested in view of the following Election and Remarks.

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Application Serial No.: 10/806,899

SEP 28 2006

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	7, 8, 11-17, 20, and 21	Nucleic acid based methods for the diagnosis of SMEI by detecting alteration in the SCN1A gene.
II	18 and 19	Amino acid based methods for the diagnosis of SMEI by detecting alteration in the SCN1A protein.
III	22	A method of determining a treatment for a SMEI patient
IV	23	A method of determining the likelihood of adverse results from treatments of a SMEI patient.

APPLICANTS' ELECTION

Applicants hereby elect with traverse the invention of Group I, claims 7, 8, 11-17, 20 and 21, pertaining to nucleic acid based methods for the diagnosis of SMEI by detecting alteration in the SCN1A gene, for prosecution at this time. Applicants also elect the following alteration from Table 3, page 46 of the subject application: the missense mutation corresponding to the c251A→G nucleotide change. Applicants submit that linking claims 1-6, 9 and 10 should be joined and examined with the claims of Group I.